

110TH CONGRESS
2D SESSION

H. CON. RES. 371

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Received

OCTOBER 2 (legislative day, SEPTEMBER 17), 2008

Referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Strongly supporting an immediate and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes.

Whereas the United States strongly supports an immediate and just restitution or compensation of property illegally confiscated during the last century by Nazi and Communist regimes;

Whereas the wrongful and illegal confiscation of property perpetrated by Nazi and Communist regimes was often an integral part of the persecution of innocent

people due to their religion, nationality, or social origin, or the expression of a view that differed from that of the ruling regime;

Whereas the protection of and respect for property rights is a basic principle tenet for all democratic governments that operate according to the rule of law;

Whereas the participating countries of the Organization for Security and Cooperation in Europe (OSCE) have agreed to achieve or maintain full recognition and protection of all types of property, including private property, and the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the Paris Declaration of the OSCE Parliamentary Assembly (OSCE Assembly) in July 2001 noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the OSCE participating countries;

Whereas the OSCE Assembly passed a resolution during the 10th session that urged the OSCE participating countries to ensure that they implement appropriate legislation to secure the restitution of, or compensation for, both property loss by victims of Nazi persecution and property loss by communal organizations and institutions or their successors during the Nazi era, irrespective of the current citizenship or place of residence of victims or their heirs, or the relevant successor to communal property;

Whereas the Government of the United States has, since 1947, with the passing of Military Law 59 in the occupied American Zone of Germany, supported the return of

property looted during the National Socialist era to the rightful owners, or the heirs, of such property;

Whereas during the last decade, Congress has passed resolutions that endorsed, reiterated, and emphasized the longstanding support of the United States for the restitution and compensation for property illegally confiscated during the Nazi and Communist regimes;

Whereas some post-Communist countries in Europe have taken steps toward compensating victims whose property was seized and confiscated by the Nazis during World War II or subsequently seized by Communist governments after World War II;

Whereas the legislation addressing the return of or compensation for such confiscated property enacted by post-Communist countries in Europe has, in various instances, not been implemented in an effective, transparent, and timely manner;

Whereas private properties were seized and confiscated by the Nazis in occupied Poland during the Nazi era and by the Communist Polish government after World War II;

Whereas Poland, virtually alone among post-Communist countries, has failed to enact any legislation that provides for a process for the restitution of, or compensation for, private property seized and confiscated by the Nazi and Communist regimes;

Whereas Jewish communal properties were seized and confiscated by the Nazis in Lithuania during the Nazi era and by the Communist Lithuanian government after World War II; and

Whereas Lithuania, virtually alone among post-Communist countries, has failed to implement legislation that pro-

vides for the restitution of, or compensation for, Jewish communal property seized and confiscated by the Nazi and Communist regimes: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That Congress—

3 (1) praises the efforts by those countries in
4 Central and Eastern Europe that have enacted legis-
5 lation for the restitution of, or compensation for,
6 private and communal religious property improperly
7 confiscated during the Nazi and Communist eras
8 and urges each of those countries to ensure that the
9 legislation is effectively and justly implemented;

10 (2) urges the countries in Central and Eastern
11 Europe which have not already done so to return
12 looted and confiscated properties to their rightful
13 owners or, where restitution is not possible, pay eq-
14 uitable compensation, in accordance with principles
15 of justice and in an expeditious manner that is just,
16 transparent, and fair;

17 (3) calls on the Government of Poland to—

18 (A) immediately enact fair, comprehensive,
19 and just legislation so that persons (or the heirs
20 of such persons) who had their private property
21 seized and confiscated by the Nazis during
22 World War II or subsequently seized by the
23 Communist Polish government after the war

1 are able to obtain either restitution of their
2 property or, where restitution is not possible,
3 fair compensation should be paid; and

4 (B) ensure that such restitution and com-
5 pensation legislation establishes an
6 unbureaucratic, simple, transparent, and timely
7 process, so that it results in a real benefit to
8 those many persons who suffered from the un-
9 just such confiscation of their property, many
10 of whom are well into their 80s or older;

11 (4) calls on the Government of Lithuania to im-
12 mediately implement, fair, comprehensive, and just
13 legislation so communities that had communal and
14 religious property seized and confiscated by the
15 Nazis during World War II or subsequently seized
16 by the Communist Lithuanian government after
17 World War II (or the relevant successors to the com-
18 munal and religious property or the relevant founda-
19 tion) are able to obtain either restitution of their
20 property or, where restitution is not possible, fair
21 compensation;

22 (5) calls on the President and the Secretary of
23 State to continue to engage in an open dialogue with
24 the Governments of Poland and Lithuania sup-
25 porting the adoption of legislation requiring, in Po-

1 land, the fair, comprehensive, and nondiscriminatory
2 restitution of, or compensation for, private property
3 that was seized and confiscated during the Nazi and
4 Communist eras and, in Lithuania, the fair, com-
5 prehensive, and just restitution of Jewish communal
6 and religious property that was seized and con-
7 fiscated during the Nazi and Communist eras; and
8 (6) calls on the Secretary of State to deliver a
9 report to Congress, every six months, regarding the
10 implementation of this concurrent resolution.

Passed the House of Representatives September 23,
2008.

Attest: LORRAINE C. MILLER,
Clerk.